



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB2378

Introduced 2/3/2016, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

410 ILCS 130/130
410 ILCS 130/150
410 ILCS 130/225 new

Amends the Compassionate Use of Medical Cannabis Pilot Program Act. Requires dispensing organizations to provide, at the time of dispensing, a detailed written explanation of the risks and benefits of medical cannabis usage to a qualifying patient or registered designated caregiver. Specifies the information that must be included in those written materials. Requires the dispensing organization to document the provision of those written materials and to retain that documentation for a period of not less than 5 years. Requires dispensing organizations to transmit certain information to the Prescription Monitoring Program established under the Illinois Controlled Substances Act each time medical cannabis is dispensed. Requires that information to be transmitted not more than 7 days after the date on which the medical cannabis is dispensed. Effective immediately.

LRB099 18346 MJP 42721 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Compassionate Use of Medical Cannabis Pilot
5 Program Act is amended by changing Sections 130 and 150 and by
6 adding Section 225 as follows:

7 (410 ILCS 130/130)

8 (Section scheduled to be repealed on January 1, 2018)

9 Sec. 130. Requirements; prohibitions; penalties;
10 dispensing organizations.

11 (a) The Department of Financial and Professional
12 Regulation shall implement the provisions of this Section by
13 rule.

14 (b) A dispensing organization shall maintain operating
15 documents which shall include procedures for the oversight of
16 the registered dispensing organization and procedures to
17 ensure accurate recordkeeping.

18 (c) A dispensing organization shall implement appropriate
19 security measures, as provided by rule, to deter and prevent
20 the theft of cannabis and unauthorized entrance into areas
21 containing cannabis.

22 (d) A dispensing organization may not be located within
23 1,000 feet of the property line of a pre-existing public or

1 private preschool or elementary or secondary school or day care
2 center, day care home, group day care home, or part day child
3 care facility. A registered dispensing organization may not be
4 located in a house, apartment, condominium, or an area zoned
5 for residential use.

6 (e) A dispensing organization is prohibited from acquiring
7 cannabis from anyone other than a registered cultivation
8 center. A dispensing organization is prohibited from obtaining
9 cannabis from outside the State of Illinois.

10 (f) A registered dispensing organization is prohibited
11 from dispensing cannabis for any purpose except to assist
12 registered qualifying patients with the medical use of cannabis
13 directly or through the qualifying patients' designated
14 caregivers.

15 (g) The area in a dispensing organization where medical
16 cannabis is stored can only be accessed by dispensing
17 organization agents working for the dispensing organization,
18 Department of Financial and Professional Regulation staff
19 performing inspections, law enforcement or other emergency
20 personnel, and contractors working on jobs unrelated to medical
21 cannabis, such as installing or maintaining security devices or
22 performing electrical wiring.

23 (h) A dispensing organization may not dispense more than
24 2.5 ounces of cannabis to a registered qualifying patient,
25 directly or via a designated caregiver, in any 14-day period
26 unless the qualifying patient has a Department of Public

1 Health-approved quantity waiver.

2 (i) Before medical cannabis may be dispensed to a
3 designated caregiver or a registered qualifying patient, a
4 dispensing organization agent must determine that the
5 individual is a current cardholder in the verification system
6 and must verify each of the following:

7 (1) that the registry identification card presented to
8 the registered dispensing organization is valid;

9 (2) that the person presenting the card is the person
10 identified on the registry identification card presented
11 to the dispensing organization agent;

12 (3) that the dispensing organization is the designated
13 dispensing organization for the registered qualifying
14 patient who is obtaining the cannabis directly or via his
15 or her designated caregiver; and

16 (4) that the registered qualifying patient has not
17 exceeded his or her adequate supply.

18 (j) Dispensing organizations shall ensure compliance with
19 this limitation by maintaining internal, confidential records
20 that include records specifying how much medical cannabis is
21 dispensed to the registered qualifying patient and whether it
22 was dispensed directly to the registered qualifying patient or
23 to the designated caregiver. Each entry must include the date
24 and time the cannabis was dispensed. Additional recordkeeping
25 requirements may be set by rule.

26 (k) The physician-patient privilege as set forth by Section

1 8-802 of the Code of Civil Procedure shall apply between a
2 qualifying patient and a registered dispensing organization
3 and its agents with respect to communications and records
4 concerning qualifying patients' debilitating conditions.

5 (l) A dispensing organization may not permit any person to
6 consume cannabis on the property of a medical cannabis
7 organization.

8 (m) A dispensing organization may not share office space
9 with or refer patients to a physician.

10 (n) Notwithstanding any other criminal penalties related
11 to the unlawful possession of cannabis, the Department of
12 Financial and Professional Regulation may revoke, suspend,
13 place on probation, reprimand, refuse to issue or renew, or
14 take any other disciplinary or non-disciplinary action as the
15 Department of Financial and Professional Regulation may deem
16 proper with regard to the registration of any person issued
17 under this Act to operate a dispensing organization or act as a
18 dispensing organization agent, including imposing fines not to
19 exceed \$10,000 for each violation, for any violations of this
20 Act and rules adopted in accordance with this Act. The
21 procedures for disciplining a registered dispensing
22 organization shall be determined by rule. All final
23 administrative decisions of the Department of Financial and
24 Professional Regulation are subject to judicial review under
25 the Administrative Review Law and its rules. The term
26 "administrative decision" is defined as in Section 3-101 of the

1 Code of Civil Procedure.

2 (o) Dispensing organizations are subject to random
3 inspection and cannabis testing by the Department of Financial
4 and Professional Regulation and State Police as provided by
5 rule.

6 (p) Dispensing organizations shall provide, at the time of
7 dispensing, a detailed written explanation of the risks and
8 benefits of medical cannabis usage to a qualifying patient or
9 his or her registered designated caregiver.

10 The written materials, in a format developed by the
11 Department of Public Health, shall include the following:

12 (1) updated information about the purported
13 effectiveness of various forms and methods of medical
14 cannabis administration;

15 (2) updated information about the purported
16 effectiveness of strains of medical cannabis on specific
17 conditions;

18 (3) current educational information issued by the
19 Department of Public Health about the health risks
20 associated with the use or abuse of cannabis;

21 (4) information about whether possession of cannabis
22 is illegal under federal law;

23 (5) information about possible adverse effects;

24 (6) information about the prohibition on smoking
25 medical cannabis in public places; and

26 (7) any other appropriate patient education or support

1 materials.

2 The provision of these written materials shall be
3 documented by the dispensing organization, and that
4 documentation shall be retained by the dispensing organization
5 for a period of not less than 5 years.

6 (Source: P.A. 98-122, eff. 1-1-14.)

7 (410 ILCS 130/150)

8 (Section scheduled to be repealed on January 1, 2018)

9 Sec. 150. Registry identification and registration
10 certificate verification.

11 (a) The Department of Public Health shall maintain a
12 confidential list of the persons to whom the Department of
13 Public Health has issued registry identification cards and
14 their addresses, phone numbers, and registry identification
15 numbers. This confidential list may not be combined or linked
16 in any manner with any other list or database except as
17 provided in this Section.

18 (b) Within 180 days of the effective date of this Act, the
19 Department of Public Health, Department of Financial and
20 Professional Regulation, and Department of Agriculture shall
21 together establish a computerized database or verification
22 system. The database or verification system must allow law
23 enforcement personnel and medical cannabis dispensary
24 organization agents to determine whether or not the
25 identification number corresponds with a current, valid

1 registry identification card. The system shall only disclose
2 whether the identification card is valid, whether the
3 cardholder is a registered qualifying patient or a registered
4 designated caregiver, the registry identification number of
5 the registered medical cannabis dispensing organization
6 designated to serve the registered qualifying patient who holds
7 the card, and the registry identification number of the patient
8 who is assisted by a registered designated caregiver who holds
9 the card. The Department of Public Health, the Department of
10 Agriculture, the Department of State Police, and the Department
11 of Financial and Professional Regulation shall not share or
12 disclose any existing or non-existing Illinois or national
13 criminal history record information. Notwithstanding any other
14 requirements established by this subsection, the Department of
15 Public Health shall issue registry cards to qualifying
16 patients, the Department of Financial and Professional
17 Regulation may issue registration to medical cannabis
18 dispensing organizations for the period during which the
19 database is being established, and the Department of
20 Agriculture may issue registration to medical cannabis
21 cultivation organizations for the period during which the
22 database is being established.

23 (b-5) Nothing in this Section shall prohibit the disclosure
24 of information pursuant to Section 225 of this Act to the
25 Prescription Monitoring Program established under the Illinois
26 Controlled Substances Act.

1 (c) For the purposes of this Section, "any existing or
2 non-existing Illinois or national criminal history record
3 information" means any Illinois or national criminal history
4 record information, including but not limited to the lack of or
5 non-existence of these records.

6 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15.)

7 (410 ILCS 130/225 new)

8 Sec. 225. Reporting to the Prescription Monitoring
9 Program.

10 (a) The dispensing organization that dispenses medical
11 cannabis to a qualifying patient or his or her registered
12 designated caregiver must transmit to the central repository of
13 the Prescription Monitoring Program, in a form and manner
14 specified by the Department of Human Services, the following
15 information:

16 (1) the qualifying patient's name and registered
17 designated caregiver's name, if applicable;

18 (2) the qualifying patient's address and registered
19 designated caregiver's address, if applicable;

20 (3) the date and time the medical cannabis is
21 dispensed;

22 (4) the amount, type, and strain of medical cannabis
23 dispensed;

24 (5) the dispensing organization agent's registry
25 identification number;

1 (6) the dispensing organization's registry
2 identification number; and

3 (7) the payment type used to purchase the medical
4 cannabis.

5 (b) The information required to be transmitted under this
6 Section must be transmitted not more than 7 days after the date
7 on which the medical cannabis is dispensed.

8 (c) The dispensing organization must transmit the
9 information required under this Section by:

10 (1) an electronic device compatible with the receiving
11 device of the central repository;

12 (2) a computer diskette; or

13 (3) a magnetic tape.

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.